

SUPERVISORS' RESPONSIBILITIES DURING THE PROBATION PERIOD

What is this help desk?

The Supervisors Virtual Help Desk was created to provide supervisors and managers a high-level overview of basic personnel processes. It is designed to provide basic information, ideas, suggestions, best practices, etc. It is not a replacement for the consultants in Human Resources Offices, nor is it meant to replace or supersede any department policies that your department has in place.

The information in this module of the virtual help desk will help provide managers with an understanding of the roles and responsibilities new employees and supervisors have during the probationary period. It is important to remember that in California state service, *the probationary period is the final phase of the selection process*. A state employee does not gain permanent civil service status and the protections of that status until they pass probation. If you are going to leave a legacy of good hires, you must complete probation reports, develop staff and determine whether or not they are not demonstrating they are qualified and able to perform the duties you hired them to perform. While this can be difficult, and unpleasant, granting permanent status to a poor performer can have a negative impact in the workplace and be very time consuming to deal with.

It is very important to work with the consultants in your Human Resources office during the probation period to ensure you have the appropriate documentation and meet the strict time frames of the probation period. You should contact them as soon as your employee gives you reason to think they may have difficulty passing their probation period.

Remember, with collective bargaining, the terms and conditions of employment for rank and file employees are contained in their bargaining unit contract. Not all of the contracts' provisions for rank and file employees are the same. When a subject matter is covered in the contract, it is imperative to refer to the appropriate bargaining unit contract to ensure you do not violate any of the contract provision that have been negotiated between the state and the union. Copies of the contracts can be accessed at <http://www.dpa.ca.gov/bargaining/contracts/index.htm>.

The Probation Period

A candidate has met the minimum qualifications to compete in the exam, they have been ranked competitively with the other exam candidates; they are reachable and you have selected them to fill your vacancy. Now they are in the final phase of the selection process and must demonstrate that they will be able to perform the full scope of duties. They start their job as a probationary employee and most are on their best behavior and hopefully performing their job duties the best they can.

Nobody intentionally hires "bad employees", but it can happen . . . even when your selection process has been thoughtful and thorough. Once a new hire starts working for

you, your job as a manager/supervisor is really just beginning. You have gone through your selection process, picked the candidate that appears to be the best choice for your job and it is their first day on the job. Another way to look at that -- it is the first day of their 6 or 12 month probation period. Their role is to do their best to learn what they need to in order to succeed at the job. Your role is to begin assessing the skills or knowledges they need to develop and the guidance you need to provide for them to succeed. You cannot expect that your employees will not make mistakes – they will; however, it they need to show acceptable progress and capability that takes this into account. Bottom line is that some positions require a lot of OJT and there may be a time where there needs to be a lot of supervisor/staff interaction to reach the desired performance level. There needs to be continuous improvement and clear indications the employee will, if not today, be fully capable of performing at the desired level.

Imagine that the employees you hire will follow you all through your career and you will be held personally accountable for their performance, and personally responsible for doing the work they cannot or will not do. Your success or failure will be tied directly to the success or failure of the employees you have hired. Now, let's talk about the probation period.

THE WORK ENVIRONMENT

As a manager or supervisor, you are responsible for providing a work environment that is conducive to success. This can include being approachable to your employees – manage by walking around. This gives you exposure to your staff, engages you in the work they do, the way they work, and situations they come upon during their work day. It helps build trust –you can talk to them about what they do day-to-day with credibility if they know you know what they do. You will not manage effectively if the first time they see you after you have hired them is when you are discussing their probation report with them, especially if there are performance issues.

Employees will sometimes give much more power to a manager and supervisors than manager and supervisors would ever give themselves. They may see managers and supervisors as the people who have control over their work lives; however, in reality they have control over their own work lives – they succeed or fail based on their own performance. You may see this when you invite your employees to their performance review meetings. Even if you are a “good” manager and have “good” employees, they may be intimidated by your input.

Most employees like to be a part of team that is doing something worthwhile. Keep your employees informed about how/where your unit fits in your department's strategic plan, how you will measure their success or failure, your unit/division/department's policies, and just generally make them feel welcome. During the employee's first week at the job, a supervisor can meet with the employee and review their duty statement, [Expectations Memo](#), office/department policies, training opportunities that are required and/or recommended for new employees and anything else the employee might need or want to know to be successful. You can show the employee a [probation report](#) form

and discuss when on how their performance will be evaluated. Remember, employees have a lot of information provided to them the first weeks they are at their new jobs; it is important to continue to check in with them to ensure they understand your expectations, office policies, etc. *You must pay close attention to your new employee's performance during the probation period.* Staff in your HR Office can help you if you have questions or need help.

The Job Descriptions (Duty Statement)

Accurate, up-to-date job descriptions are critical to the probation period. In order to honestly assess your employee's skills at their new job, they must have a job description that accurately reflects what they are doing. Everything will tie back to the job description – it will be one of the first documents that will be included in the Rejection during Probation, if that happens. Neither you nor your employees are well-served if the duties in their duty statement are embellished to inflate the position to a higher class. In the moment you may be able to keep an employee from leaving you for a promotion; however, in doing so, you have watered down the duties of the classification and impaired the employee's ability to be-competitive in future exams.

Please refer to the Supervisors' Virtual Help Desk Job Description Module or talk to staff in your department's HR Office for help with job descriptions.

Assignments

In order to accurately evaluate your new employee's performance, it is important for you to give them a sufficient breadth of assignments for you to assess their capabilities to perform the full range of their duties. Obviously they will not be perfect – they are, after all, new, but you must be able to assess their *potential to be successful*.

Probation periods in state service are either 6 or 12 months long depending on the classification. A probation period starts the date an employee is appointed. Employees need to be evaluated at least every third of that period (e.g., every 2 months for 6 month probation periods; every 4 months for 12 month probation periods). You are not limited to that schedule and can prepare additional performance reports any time during the probation period. Performance reports provide information to employees about their strengths and weaknesses and inform them of measures they need to take and goals they need to reach to be successful in this job. These are sometimes called ["interim probation reports"](#).

While performance reports are necessary, *you must also talk to your employee about both their strengths and weaknesses*. The feedback you give your employees reinforces the good and identifies the deficient performance. Obviously it is easier to talk to employees who are motivated and successful; however, almost everyone has resistance to providing feedback to an employee who is not motivated and successful. That is human nature, but as a supervisor you must get past that resistance. An employee should not be surprised by the information you have included in their

performance evaluation – it should not be the first time they hear about it. Remember it is your job to help them be successful or reject them during probation. Click on these links to see some sample language of “meeting expectations: and “improvement needed: [Supervision](#), [Job Knowledge](#), [Oral and Written Expression](#), [Customer Satisfaction](#), and [Initiative](#).

Providing ongoing feedback can be difficult; but without it, you will not be developing your staff and you may have a problem keeping them. While this is not the fun part of supervision, it is critical if you are going to leave a legacy of success. Contact staff in your HR Office if you need help.

Things to keep in mind:

- The 6 or 12 month time frame for probation is tied to hours worked. For example a half-time employee on a 6-month probation period will need to work 12 months at half-time to pass probation
- In addition to the calendar time of 6 or 12 months, an employee must also work a certain number of hours. This means if an employee who is on probation is missing work during their probation period there are circumstances under which you can [extend their probation period](#). *If you have identified an employee's attendance pattern (lack of attendance) as a problem, it is critical that you contact the consultants in your Human Resources Office as soon as you detect a problem. If the probation period is extended, you will have to [keep track of the actual time](#) your employee works.*
- If you feel the need to provide an increasing number of [interim performance reports](#), you need to be in contact with your Human Resources Office so that you will have everything you need to go through with a rejection if that is what has to happen.
- It is as important to provide employees with feedback both when they are doing a good job as well as when they are not.
- Rejection during probation is not a “punitive” action (no matter what it feels like); it is the final phase of the selection process. An employee has rights and due process if they are rejected during probation; they have the burden to show that it was a “bad faith action” based on discriminatory factors. Bottom line, it is far easier to reject an employee during probation than to take disciplinary action against an employee who has permanent civil service status.
- Even though it is not punitive and the burden of proof is on the employee, a supervisor must be able to show that the employee “could have, should have, would have” known their performance was deficient and the measures they needed to take to bring their performance up to a successful level.
- If an employee is not successful on the job, you do not have to wait until the end of their probation period to reject them; you do have to show that you have provided the employee with the information, training and atmosphere they need to be successful.

You Can Do This – You Have To Do This

It might feel that no matter what or how you write about your employees, it is going to be rewritten by staff in your Human Resources or Legal offices. Don't take this personally, inasmuch as you know how to write in your field of expertise, they know how to write in theirs. It is their goal to assist you in preparing the required documentation to be able to defend the personnel action being taken.

- Create a [work plan](#) that will test the employee's capabilities and potential to perform all essential functions of the job. If you limit the activities of the employee during the probation period to a narrow set of tasks, you may not be able to assess the employee's overall ability to perform the whole job in the long run.
- Document, document, document. As a supervisor it is your job to evaluate performance during the probation period. While there are specific time frames and forms that are required, you are not limited to utilizing these formal tools. You should identify a [method to document](#) and file your observations (both good and bad) on a regular ongoing basis, not just at the probation report date. Various tools can be utilized such as emails to yourself documenting performance, written notes to your "supervisor file", of draft and final work products, emails from other supervisors or staff, etc. Setting up a process to compile and analyze this information will help insure probation reports are accurate and well documented.
- Identify ways to solicit good input. If your employee is working on a cross-program team that you do not directly supervise, consult the team leader or supervisor on your employee's performance. Make sure that this input is well supported with concrete examples and documentation.
- Work with your manager to insure that your performance is, in part, measured by your ability to successfully complete this process. If your manager does not recognize the value and time commitment needed during this phase of hiring, it will be more difficult to get the work done. Additionally, it is helpful to have your manager supporting you in getting unpleasant personnel actions taken care of.

Now, About Those Ratings

These are the ratings that are described on the back of the probation report form.

- **OUTSTANDING**– Performance on the job indicates qualifications are definitely superior—performance by the end of the probationary period can be expected to be well above the standard required of a competent permanent employee in that job. (If the overall rating is Outstanding, the Rater must give a written statement of factual substantiation for the rating. General statements such as "Outstanding in skill and knowledge" are not acceptable.)
- **STANDARD**– Performance on the job indicates qualifications are thoroughly satisfactory – performance by the end of the probationary period can be

expected to be up to, or above, the standard required of a competent permanent employee on that job.

- **IMPROVEMENT NEEDED**—Performance on the job indicates qualifications are somewhat inadequate – to reach the standard required of a competent permanent employee by the end of the probationary period, greater effort or training is needed.
- **UNACCEPTABLE** - Performance on the job indicates qualifications are very inadequate—special training, reassignment, or rejection may be advisable. (Any factor or overall rating of Unacceptable must be substantiated by the Rater's written statement of specific reasons for each such rating.)

Remember, rate accurately. Some supervisors have said that they always rate employees as Satisfactory in all areas so there is room to move on the second and third probation report. Some rate satisfactory so they can avoid the discussion required when an “Improvement Needed” or “Unacceptable” rating is given. Don’t do this. Rate accurately and provide thoughtful feedback to your employees about their work and your expectations so they know what you expect and how they can meet your expectations.

Others may rate Outstanding when an employee is really doing a good job. As you can see by the ratings, Outstanding should be reserved for those employees who are working well above standard. Standard is a good rating – it means your employee is working in a satisfactory and competent manner.

If the employee’s performance is rated “Improvement Needed” or “Unacceptable”, it will be very important that you have documentation to support those ratings and be able to show that you have been working with your employee to improve performance. At this point, you should be working with staff in your Human Resources Office to make sure you have everything that is needed to be able to reject your employee during probation if that becomes necessary.

How Do I Say It?

It can be hard to get started writing a probation report. Hopefully you have kept notes from discussions with your employee that will jog your memory, saved e-mails that talk about the quality and quantity of work done, and thought about the evaluation you are about to prepare. There are books and information on the internet that you can use. Follow these links for phrases on [Supervision](#), [Job Knowledge](#), [Oral and Written Expression](#), [Customer Satisfaction](#), and [Initiative](#).

Remember, as much as you are rating your employees, your employees are also rating you and your department as a place they want to work. Without feedback and development, you may lose them. Be sure to work with staff in your department’s HR Office if you need help.

**Be Thorough, Be Accurate,
Have Your Employees EARN Permanent Status!**

Authorities

California Code of Regulations

§ 324. Duty to Reject Probationer.

If the conduct, capacity, moral responsibility, or integrity of the probationer is found to be unsatisfactory, it shall be the duty of the appointing power to reject that probationer from the position.

Government Code

19172. During the probationary period the appointing power or his or her officially delegated representative shall evaluate the work and efficiency of a probationer in the manner and at such periods as the Department of Personnel Administration rules may require.

19173. (a) Any probationer may be rejected by the appointing power during the probationary period for reasons relating to the probationer's qualifications, the good of the service, or failure to demonstrate merit, efficiency, fitness, and moral responsibility, but he or she shall not be rejected for any cause constituting prohibited discrimination as set forth in Sections 19700 to 19703, inclusive.